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MAILED

SEP 21 2010

In re Application of
Douglas DEEDS
Application No. 10/714,504
Filed: November 13, 2003
Attorney Docket No. **004770.00499**

OFFICE OF PETITIONS

DECISION ON PETITION
UNDER 37 CFR 1.8(b)

This is a decision on the petition, filed April 30, 2010, which is being treated as a petition under 37 CFR 1.8(b), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the decision by the Board of Patent Appeals and Interference of December 18, 2009, which set a two (2) month shortened statutory period for reply. Accordingly, a reply was due on or before February 18, 2010.

Petitioner states that "on December 17, 2009, the Board of Patent Appeals and Interference issued its decision on Appeal, which decided Applicant's appeal in the above application."

A review of the file record discloses that on December 18, 2009, the Board of Patent Appeals and Interference issued a decision which affirmed in part the examiner's rejection of claims 1-4, 7, 8, 10, 13-15, and 17-23. **The rejection of claims 12, 24 and 25 were reversed.**

If the Board affirms a rejection against independent claims 1-4, 7, 8, 10, 13-15, and 17-23, reverses all rejections against dependent claims 12, 14 and 25, after expiration of the period for further appeal, the examiner should either:

- (A) convert dependent claims 12, 24 and 25 into independent form by examiner's amendment, cancel claims 1-4, 7, 8, 10, 13-15, and 17-23 in

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which the rejection was affirmed and issue the application with claims 12, 24, 25; or

(B) set a one (1) month time limit in which appellant may rewrite dependent claims 12, 24 and 25 in independent form. Extensions of time under 37 CFR 1.136(a) will not be permitted. If no timely reply is received the examiner will cancel claims 1-4, 7, 8, 10, 13-15, and 17-23 and issue the application with allowed claims 12, 24 and 25 only.

In view of the above, the holding of abandonment for failure to timely file a reply to the Board Decision of December 18, 2009, is hereby withdrawn and the application restored to pending status.

Telephone inquires regarding this decision should be directed to Monica A. Graves at (571) 272-7253

This application is being referred to Technology Center AU 3746 for appropriate action in the normal course of business.



Thurman K. Page
Petitions Examiner
Office of Petitions